

## REMARKS

The Application has been carefully reviewed in light of the Office Action dated May 5, 2004 (Paper No. 6). Claims 1 to 19, 21 to 39, 41 to 59 and 74 to 79 are in the application, of which Claims 1, 9, 14, 19, 21, 29, 34, 39, 41, 49, 54 and 59 are independent. Claims 20, 40, 60 to 73 are being canceled without prejudice or disclaimer of the subject matter. Claims 1 to 10, 12 to 17, 19, 21 to 23, 25 to 30, 32 to 37, 39, 41 to 50, 52 to 57 and 59 are being amended, and Claims 74 to 79 are being added. Reconsideration and further examination are respectfully requested.

Objections are raised with respect to the title and the drawings. In response, the title is amended as suggested in the Office Action. With respect to Figure 14, reference numeral 320 is discussed in the specification at, inter alia, page 12, line 27 and page 13, line 25. Accordingly, no amendment is believed necessary. In response to the objection of Figures 4 and 15, the specification is amended. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

Claims 1 to 73 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,452,692 (Yacoub). Reconsideration and withdrawal of the rejection are respectfully requested.

The present invention generally concerns retrieval of a device based on information about the ability of the device, information on the ability of the device's device driver and a retrieval condition.

By virtue of this arrangement, it is possible for a device retrieval result to take into account not only the ability of the device and a retrieval condition but also the ability of a device driver.

## CLAIMS 1, 21 AND 41

Turning to the specific language of the claims, Claim 1 defines a server capable of communicating with a client and a device. The server comprises a first management means, a second management means, a retrieval condition reception means, and retrieval means and a notification means. The first management means manages information representing ability of the device, and the second management means manages information representing ability of a device driver, which is executed by the client, for the device. The retrieval condition reception means receives, from the client, a retrieval condition for selecting the device. The retrieval means retrieves the device based on the information managed by the first management means, the information managed by the second management means and the retrieval condition received by the retrieval condition reception means. The notification means notifies the client of a retrieval result by the retrieval means.

The applied art, Yacoub, is not seen to show each and every one of the above-identified features, particularly as regards: 1) managing information representing device driver ability, and 2) retrieving a device based on device ability, device driver ability and a received retrieval condition.

Yacoub is seen to involve device selection based only on a comparison of print job preferences and printer ability. (Yacoub, Figure 2 and the description commencing at col. 4, line 27) Referring to Yacoub commencing at col. 8, line 11, Yacoub is seen to manage information regarding only the abilities (i.e., print quality and print speed) of the printer. In addition, with reference to the description commencing at col. 4, line 64, Yacoub is seen to only use the information on the printer's ability and job

preferences for retrieving a printer. More particularly, Yacoub's virtual printer is seen to check the speed and quality job preferences, and if speed is preferred, the virtual printer selects the fastest printer, and if quality is preferred, the virtual printer selects a printer having the highest print quality.

Yacoub, is not seen to show the features of: 1) managing information representing device driver ability, and/or 2) retrieving a device based on device ability, device driver ability and a received retrieval condition.

Therefore, for at least the foregoing reasons, Claim 1 is believed to be in condition for allowance. Further, Applicants submit that Claims 21 and 41 are believed to be in condition for allowance for at least the same reasons.

Claims 2 to 8, 22 to 28 and 42 to 48 are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

#### CLAIMS 9, 29 AND 49

Claim 9 defines a client capable of communicating with a server. The client comprises transmission means, reception means and a display control means. The transmission means transmits to the server a retrieval condition for selecting a device. The reception means receives a retrieval result which is based on the retrieval condition, device ability information and information representing ability of a device driver for the device, and which is expressed in a form for discriminating a function executable by the device

driver. The display control means causes a display unit to display the retrieval result received by the reception means.

Based on the above discussion, Yacoub is not seen to show each and every one of the above-identified features, particularly as regards: 1) receiving a retrieval result which is based on device ability, device driver ability and a received retrieval condition, and/or 2) displaying a retrieval result which is expressed in a form for discriminating a function executable by the device driver.

Therefore, Claim 9 is believed to be in condition for allowance. Further, Applicants submit that Claims 29 and 49 are believed to be in condition for allowance for at least the same reasons.

Claims 10 to 13, 30 to 33 and 50 to 53 are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

#### CLAIMS 14, 34, and 54

Claim 14 defines a device capable of communicating with a server, which transmits to a client a retrieval result in response to a retrieval condition sent from the client for retrieving a device. The device comprises a first transmission means and a second transmission means. The first transmission means transmits information representing ability of said device to the server; and the second transmission means transmits, to the server, information representing ability of a device driver, which is

executed by the client, for the device.

The applied art, Yacoub, is not seen to show each and every one of the above-identified features, particularly as regards a device comprising a transmission means for transmitting, to a server, information representing ability of a device driver, which is executed by the client, for the device.

As previously discussed, Yacoub is not seen to describe managing information concerning device driver abilities. In addition, Yacoub is not seen to describe a device transmitting information concerning ability of the device and transmitting information concerning ability of a device driver.

Therefore, for at least the foregoing reasons, Claim 14 is believed to be in condition for allowance. Further, Applicants submit that Claims 34 and 54 are believed to be in condition for allowance for at least the same reasons.

Claims 15 to 18, 35 to 38 and 55 to 58 are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

#### CLAIMS 19, 39 AND 59

Claim 19 recites a device retrieval system for retrieving a device on a network, the system comprising a first, second, third and fourth transmission means, and a retrieval means. The first transmission means for transmitting information representing ability of the device, and the second transmission means for transmitting information

representing ability of a device driver, which is executed by a client, for the device. The third transmission means transmits a retrieval condition for selecting the device, and the retrieval means retrieves the device based on the information transmitted by the first transmission means, the information transmitted by the second transmission means and the retrieval condition transmitted by the third transmission means. The fourth transmission means transmits a retrieval result of the retrieval means..

Based on the above discussion, Yacoub is not seen to show each and every one of the features of the claimed system, particularly as regards transmitting information representing abilities of the device and the device driver, transmitting a retrieval condition for selecting device, a retrieving a device based on the device ability information, the device driver ability information and the retrieval condition.

Therefore, for at least the foregoing reasons, Claim 19 is believed to be in condition for allowance. Further, Applicants submit that Claims 39 and 59 are believed to be in condition for allowance for at least the same reasons.


### CONCLUSION

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa,

California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

  
Carole A. Quinn  
Attorney for Applicants  
Registration No.: 39,000

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200

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